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Patent

Docket No.: PR-37

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Udo Schütz
Serial No: 10/017,057
Filed: December 14, 2001
For: TRANSPORT AND STORAGE CONTAINER FOR LIQUIDS
Examiner: Stephen J. Castellano
Art Unit: 3727

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

SUBMISSION OF BRIEF ON APPEAL

SIR:

Submitted herewith is a Brief On Appeal in triplicate in support of the appeal filed March 26, 2004.

A check in the amount of \$ 165.00 to cover the appeal fee pursuant to 37 CFR §1.17 (f) is enclosed.

Any additional fees or charges required at this time in connection with the application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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Dated: May 26, 2004
Encls: Check (\$165.00)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 26, 2004

By: *F. Kueffner* Date: May 26, 2004
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BRIEF ON APPEAL

S I R:

This Brief is submitted in support of the Appeal filed March 26, 2004, from the Examiner's Final Rejection of claims 1 and 4-7 as set forth in the Office Action dated December 23, 2003.

06/03/2004 MAHMED1 00000035 10017057

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REAL PARTY IN INTEREST

The present application is owned by Protechna S.A. by virtue of an assignment recorded March 18, 2002 under reel 012746/frame 0787.

RELATED APPEALS AND INTERFERENCES

There are no presently pending related appeals and interferences.

STATUS OF CLAIMS

Claims 1 and 4 - 7 are the claims in the application. Of these claims, claims 5 - 7 are withdrawn from consideration. Claims 8 - 11 have been canceled.

STATUS OF AMENDMENTS

An Amendment after final rejection in response to the Examiner's final rejection of the claims dated December 23, 2003 was not filed.

However, an Amendment in response to the final office action dated May 28, 2003 was mailed on September 29, 2003. As stated in the advisory action mailed October 14, 2003, this amendment after final was entered for purposes of appeal. A second amendment after final rejection was mailed October 24, 2003. This second amendment after final was entered after a Request for Continued Examination was filed on December 26, 2003.

SUMMARY OF THE INVENTION

The present invention is directed to a transport and storage container for liquids.

As illustrated in Figs. 1-3 of the drawing and described on page 9 of the specification, the transport and storage container 1 for liquids includes an inner container 2 of plastic material having an upper bottom 3 with a file socket 4, two sidewalls 6, 7, a front wall 8 having an outlet socket 9 arranged within a lower edge area of the front wall 8 and configured to receive a removal fitting 10, a back wall 11 and a lower bottom 12 configured as a drainage bottom having a central, flat drainage channel 13 extending at a downward slant from the back wall 11 to a bottom sump 14 provided within the lower bottom 12 and

adjoining the outlet socket 9, and an outer mantle 15 comprised of a metal crate or a sheet metal. A pallet-shaped underframe 16 is provided which comprises a support bottom 25 configured to receive the lower bottom 12 of the inner container 2, and comprising corner legs 17-20 and center legs 21-24 connected to the support bottom 25, wherein the underframe 16 is configured to be handled by transport devices. The front wall 8 of the inner container 2 has an inwardly projecting dome-shaped bulge 26, wherein the outlet socket 9 and the removal fitting 10 are arranged within the bulge 26.

As described in the first paragraph on page 10 of the specification, and shown in Figs. 1-3, two forward bottom portions 29, 30 are arranged on opposite sides of the bulge 26, wherein the two forward bottom portions 29, 30 ascend from the lower bottom 12 toward the front wall 8 and the corner and sidewall areas adjoining the front wall 8. The two forward bottom portions 29, 30 form drainage surfaces 31, 32 for draining residual liquid from a forward bottom area 33 of the inner container 2 via the bottom sump 14 into the outlet socket 9 when emptying the transport and storage container 1 for removing residual liquid.

As illustrated in Fig. 4 and described in the paragraph bridging pages 10 and 11 of the specification, the two forward bottom portions 29, 30 comprise connecting edges 37 between the lower bottom 12 and the drainage surfaces 31, 32, wherein the connecting edges 37 extend at a slant relative to the drainage channel 13.

As described in the first full paragraph on page 11, and illustrated in Figs. 6 and 7, plastic support elements 38 are provided which rest against the support bottom 25 and are configured to support the two forward bottom portions 29, 30.

ISSUES PRESENTED FOR REVIEW

Whether claim 1 is unpatentable under 35 U.S.C. §102(b) as being anticipated by Schutz '777, and whether claim 4 is unpatentable under 35 U.S.C. §103(a) over Schutz in view of Maurice.

GROUPING OF CLAIMS

Claim 4 stands or falls with claim 1.

ARGUMENT

It is respectfully submitted that the Examiner's rejection of claim 1 under 35 U.S.C. §102(b) as being anticipated by Schutz is in error because the reference does not disclose or suggest the transport and storage container for liquids as claimed.

Applicant respectfully submits that the configuration of the bottom of the container according to the present invention is clearly not disclosed or suggested by the reference relied on by the Examiner.

The present invention is directed to a transport and storage container for liquids, which includes an inner container of plastic material having an upper bottom with a fill socket, two sidewalls, a front wall having an outlet socket arranged within a lower edge area of the front wall and configured to receive a removal fitting, a back wall, and a lower bottom configured as a drainage bottom having a central, flat drainage channel extending at a downward slant from the back wall to a bottom sump provided within the lower bottom and adjoining the outlet socket. A pallet-shaped underframe comprises a support bottom, configured

o receive the lower bottom of the inner container, and comprising corner legs and center legs connected to the support bottom, wherein the underframe is configured to be handled by transport devices. The front wall of the inner container has an inwardly projecting dome-shaped bulge, wherein the outlet socket and the removal fitting are arranged within the bulge.

The features recited in claim 1 characterize a geometric configuration of the lower bottom of the liquid container constructed as a discharge bottom and facilitate the configuration of two forward bottom portions having relatively large drainage surfaces in the area of the removal fitting of the container, so that an optimum complete emptying of the container is ensured.

Clearly, the reference to Schutz does not disclose or suggest such a geometric configuration of the lower bottom of the liquid container.

According to the present invention as claimed in claim 1, the liquid container comprises two forward bottom portions arranged on opposed sides of the bulge, wherein the two forward

ottom portions ascend from the lower bottom toward the front wall and the corner and side wall areas adjoining the front wall, wherein the two forward bottom portions form drainage surfaces for draining residual liquid from a forward bottom area of the inner container via the bottom sump into the outlet socket when emptying the transport and storage container for removing residual liquid, and wherein the two forward bottom portions comprise connecting edges between the lower bottom and the drainage surfaces, wherein the connecting edges extend slantedly to the drainage channel and in the direction to the outlet socket.

Applicant disagrees with the Examiner's position that Schutz discloses the claimed invention. To facilitate the differences between the present invention and Schutz, applicant has submitted with the amendment dated September 29, 2003 copies of Figs. 1 and 4 of Schutz. From these drawings it can be seen that the floor pan 5 of the pallet 4 has a front wall 23 with an inwardly curved portion 24, two sidewalls 23a, 23b, and a back wall 23c. The bottom 12 of the floor pan 5 is connected to the perpendicular walls 23, 23a, 23b and 23c of the floor pan 5 by outwardly curved sections 78, 79, 80 and 81. The floor pan 5 holds the inner

ontainer 2 that sits with its drainage bottom 6 on the drainage bottom 12 of the floor pan 5. The inner container 2 has curved regions 82, 83, 84 and 85 in the front wall 9, the back wall 8 and both sidewalls 86, 87 that match the curved regions 78-81 of the floor pan 5.

Fig. 4 of Schutz shows that the bottom 12 of the floor pan 5 does not have ascending forward bottom portions to the front wall 23 and the connected corner regions 88, 89 or to the connected corner and sidewall regions 88, 89, on both sides of the curved portion 24, as in the presently claimed invention.

Additionally, the bottom 6 of the inner container 2 that rests on the bottom 12 of the floor pan 5 does not have, on both sides of the curved area 19, drainage surfaces for draining residual liquid from a forward bottom area of the inner container via the bottom sump into the outlet socket when emptying the transport and storage container for removing residual liquid, as in the presently claimed invention.

Schutz does not disclose such bottom sections of the plastic inner container, which are formed to provide a drainage function when draining residual liquid from the container.

The large radius transitions between the walls and the bottom of the plastic inner container of Schutz are necessary to permit the plastic container to be formed by blow molding. The transitions between the front wall and the corner regions to the bottom of the inner container cannot provide any drainage function as in the presently claimed invention.

In view of the foregoing, it is submitted that claim 1 is allowable over the reference relied on by the Examiner and the Board is respectfully requested to reverse the decision of the Examiner.

Respectfully submitted,

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Dated: May 26, 2004

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By: F. Kueffner Date: May 26, 2004
Friedrich Kueffner

APPENDIX

CLAIMS ON APPEAL

1. A transport and storage container for liquids, comprising:

an inner container of plastic material having an upper bottom with a fill socket, two sidewalls, a front wall having an outlet socket arranged within a lower edge area of the front wall and configured to receive a removal fitting, a back wall, and a lower bottom configured as a drainage bottom having a central, flat drainage channel extending at a downward slant from the back wall to a bottom sump provided within the lower bottom and adjoining the outlet socket;

an outer mantle comprised of a metal grate or a sheet metal;

a pallet-shaped underframe comprising a support bottom, configured to receive the lower bottom of the inner container, and comprising corner legs and center legs connected to the support bottom, wherein the underframe is configured to be handled by transport devices;

wherein the front wall of the inner container has an inwardly projecting dome-shaped bulge, wherein the outlet socket and the removal fitting are arranged within the bulge;

comprising two forward bottom portions arranged on opposite sides of the bulge, wherein the two forward bottom portions ascend from the lower bottom toward the front wall and the corner and sidewall areas adjoining the front wall, wherein the two forward bottom portions form drainage surfaces for draining residual liquid from a forward bottom area of the inner container via the bottom sump into the outlet socket when emptying the transport and storage container for removing residual liquid, and wherein the two forward bottom portions comprise connecting edges between the lower bottom and the drainage surfaces, wherein the connecting edges extend slantedly to the drainage channel and in the direction to the outlet socket.

4. The transport and storage container according to claim 1, and further comprising plastic support elements resting against the support bottom and configured to support the two forward bottom portions.